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3 **BEFORE THE STATE OF WASHINGTON**
4 **ENERGY FACILITY SITE EVALUATION COUNCIL**

5 In the Matter of
6 Application No. 2004-1

7 WIND RIDGE POWER PARTNERS, LLC.
8 WILD HORSE WIND POWER PROJECT
9

F. STEVEN LATHROP'S
RESPONSE TO MOTION TO
STRIKE PREFILED
TESTIMONY

10 The Applicant has moved to strike virtually all of Lathrop's prefiled testimony (Exhibit
11 60 (DT-L)). The applicant's motion to strike is a thinly veiled effort to thwart Lathrop's
12 participation in the EFSEC process as allowed by the EFSEC Council Order No.804. This is
13 consistent with the applicant's myopic view of the impact of its proposed project on Mr.
14 Lathrop's property.

15 Council Order No. 804, Prehearing Order No. 1 limits Mr. Lathrop's testimony to
16 economic and visual impacts on his property, and his prefiled testimony is offered for those
17 purposes alone. The applicant's motion to strike should be denied as it attempts to deny Mr.
18 Lathrop the well established and most reliable means of determining the impacts on the value of
19 his specific property by comparing it to those impacts on other lands. The exact method used by
20 the applicant's own witnesses.

21 In his prefiled rebuttal testimony (Ex 35 R), P. Barton DeLacy gives a concise breakdown
22 of the "externalities" that affect property values. Ex 33R, p.3, ln 6-19. He agrees that "definitive
23 evidence of local property impacts cannot be discerned until the project is up and running..." id
24 at p.5, ln22-23. In short, Mr. Delacy's opinions about the means of determining impacts of this
25 project on property values are based on comparisons with other projects and other lands.
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1 Likewise, the rebuttal testimony of Thomas Priestley in Ex 33 R refers to US Forest
2 Service and Bureau of Land Management criteria used in very different circumstances,
3 comparisons to other wind farm projects, photos and views from properties similar to that of Mr.
4 Lathrop, comparisons of this project to other industrial uses in other areas, surveys of public
5 opinions on the visual impacts of wind farms in other areas, and literature on wind farm
6 appearances generally as the bases for his subjective opinion that this project will not
7 significantly impact the value, use or esthetics of Mr. Lathrop's property. Mr. Lathrop uses
8 similar, but local, comparisons of impacts and effects of this project on other lands within the
9 Kittitas Valley as evidence that his property will be impacted. Thus, the type of testimony the
10 applicant relies on to present this project to EFSEC is now objectionable when an opponent has
11 the audacity to rely on the same type of evidence to show how ".... impacts directly affect the
12 economic value of his property".

13 The opinions of both the land owner and an expert on value and impacts on value are
14 always relevant and admissible, and Mr. Lathrop's testimony qualifies on both counts.
15 *Cunningham v. Town of Tieton* 60 Wn.2d 434, 374 P.2d 375 (1962); see also ER 701-702.

16 For these reasons no part of Mr. Lathrop's testimony should be stricken.

17 Dated this _____ day of February, 2005

18 _____
19 Jeff Slothower WSBA #14526
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